b) comparing said protein expression of said gene from a second normal tissue type from said first individual or a second unaffected individual;

wherein a difference in said protein expression indicates that the first individual has breast or colorectal cancer.

48. The method of claim 47, wherein the step of determining protein expression is carried out using an antibody that specifically binds the CZA8 protein.

49. The method of claim 48, wherein the antibody is a monoclonal antibody.

50. The method of claim 47, wherein the protein expression is carried out by detecting SEQ ID NO: 2.

51. The method of claim 47, wherein the protein expression is carried out by detecting SEQ ID NO: 4.

REMARKS

In response to the Office Action mailed August 27, 2002, Applicants elect with traverse to prosecute the claims of Group IV directed to methods of diagnosing cancer by determining the expression of a CZA8 gene or fragment thereof. According to the MPEP, where claims can be examined together without undue burden, the Examiner must examine the claims on the merits even though they are directed to independent and distinct inventions. See, the MPEP at 803.01. In establishing that an "undue burden" would exist for co-examination of claims, the Examiner must show that examination of the claims would involve substantially different prior art searches, making the co-examination burdensome. To show undue burden resulting from searching difficulties, the Examiner must show that the restricted groups have a separate classification, acquired a separate status in the art, or that searching would require different fields of search